

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

DAVID C. SPENCER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:20-cv-02019-SGC
	)	
FRANKLIN AMERICAN HOME	)	
MORTGAGE, et al.,	)	
	)	
Defendants.	)	

**SCHEDULING ORDER**

This order is entered under Fed. R. Civ. P. 16(b) based on the parties' report of a planning meeting. This order governs further proceedings in this action unless modified for good cause shown.

1. **Pleadings and Parties:** No causes of action, defenses, or parties may be added after March 8, 2021, as to plaintiff, and April 5, 2021, as to defendants. Unless the party's pleading may be amended as a matter of course pursuant to Fed. R. Civ. P. 15(a), the party must file a Motion for Leave to Amend. Such Motion for Leave to Amend shall state, specifically, those matters the party wishes to add or delete and shall contain, attached as an exhibit, the complete and executed Amended Complaint or Amended Answer, which is suitable for filing. The Motion for Leave to Amend, with the attached amended pleading, shall be served in accordance with Fed. R. Civ. P. 5.
2. **Dispositive Motions:** All potentially dispositive motions must be filed no later than October 28, 2021.<sup>1</sup>
3. **Expert Testimony:** Unless modified by stipulation of the parties, the disclosures of expert witnesses--including a complete report under Fed. R. Civ. P. 26(a)(2)(B) from any specially retained or employed expert--are due

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<sup>1</sup> The parties are directed to refer to the Initial Order entered in this action for specific briefing and submission requirements for dispositive motions.

no later than December 10, 2021. The parties shall disclose rebuttal expert witnesses, including a complete report, by February 11, 2022.

4. **Discovery limitations and cutoff:**

(a) Unless modified by stipulation of the parties:

<b>Depositions:</b>	Maximum of 5 by each party.
<b>Interrogatories:</b>	Maximum of 30 by any party directed to any other party.
<b>Requests for Production:</b>	Maximum of 30 by any party directed to any other party.
<b>Requests for Admission:</b>	Maximum of 30 by any party directed to any other party.

(b) Unless modified by court order for good cause shown:

**Supplementation:** Supplementation of disclosures and discovery under Fed. R. Civ. P. 26(e) is due within a reasonable period of time after discovery of such information, but all such supplementation shall be provided by August 18, 2021.

**Deadline:** All discovery must be commenced in time to be completed by September 17, 2021.

**Privileged Material:** Pursuant to Fed. R. Evid. 502(b) and (d), the inadvertent disclosure of any privileged communication, information, document, or ESI shall not operate as a waiver of the privilege in this or any other proceeding to the extent the producing party complies with the requirements of Fed. R. Evid. 502(b) and Fed. R. Civ. P. 26(b)(5)(B).<sup>2</sup>

5. **Additional conferences:** The parties shall conduct an in-person settlement conference no later than August 20, 2021. Within five (5) days of this conference, counsel shall separately and confidentially send an email to chambers at [cornelius\\_chambers@alnd.uscourts.gov](mailto:cornelius_chambers@alnd.uscourts.gov), stating only whether a

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<sup>2</sup> Before filing a motion regarding a discovery dispute, a party must comply with the discovery dispute resolution procedure outlined in the Initial Order entered in this action. After conferring in person or via telephone pursuant to that procedure, but before a motion regarding a discovery dispute is filed, the parties may request a conference with the undersigned, if they believe a conference may resolve their dispute without resort to a motion.

settlement was reached and, if not, whether the parties are amenable to mediation. A pretrial conference will be scheduled in a separate order after the deadline for dispositive motions.

6. **Final lists:** The court will establish deadlines for the exchange and filing of final witness and exhibit lists and objections under Fed. R. Civ. P. 26(a)(3) at the pretrial conference.
7. **Trial:** The parties shall be ready for trial, to be scheduled by separate order, by January 31, 2022.
8. **Other Agreements Incorporated:** The report of parties (Doc. 15) may memorialize agreements not reflected here. This order incorporates any such agreements to the extent they do not conflict with the express terms of this order or any other order entered in this case.

**DONE** and **ORDERED** this 24th day of February, 2021.

  
STACI G. CORNELIUS  
U.S. MAGISTRATE JUDGE